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FULBRIGHT & JAWORSKI L.L.P			HUSSAIN, TAUQIR	
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DALLAS, TX 75201-2784			2152	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/677,418	LEI ET AL.	
	Examiner	Art Unit	
	Tauqir Hussain	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-55 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-55 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>04/19/04, 02/09/05</u> .	6) <input type="checkbox"/> Other: _____ .

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DETAILED ACTION

1. Claims 1-55 are pending in this application.

Claim Objections

2. Claim 1, recites "first user device with respect to content to be delivered a second user device". Examiner understands there is "to" missing in the claim language, lines 2 and will read as first user device with respect to content to be delivered to a second user device" for examining purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10, 32, 43-44 and 51 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kageyama et al. (Pub. No.: US 2003/0097463 A1), hereinafter "Kageyama" in view of Fenton et al. (Pub. No.: US 2003/0193951 A1), hereinafter "Fenton".

5. As to claim 1, Kageyama discloses, accepting information from a first user device with respect to content to be delivered to a second user device (Kageyama, [0021], where first devices negotiates with the transmitting source with respect to the second device);

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performing media negotiation with a system associated with said second user device to inform a delivery system of attributes of said second user device (Kageyama, [0025], where system provides negotiation between two different devices through a transmitting source); and

Configuring, by said delivery system, said content for delivery to said second user device as a function of said attributes of said second user device (Kageyama, [0025], where attributes are exchange with respect to first and second devices for configuring data transmitting). Kageyama however is silent on disclosing the transmitting device as MMS or Multimedia message server. Fenton, however, discloses, MMS or Multimedia message server connected to different wired and wireless network performing as gateway (Fenton, Fig.1, Abstract).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Kageyama with the teachings of Fenton in order to provide a system that forms an agreement by negotiation with a center device and terminals capable of negotiation, and computer programs for achieving their functions, and enables negotiation about the particularly attribute information and contents.

6. As to claims 10 and 32, Kageyama and Fenton disclose, the invention substantially as applied to claim 1 above, including, a database storing multi-media content, said stored content being uniquely identified (Fenton, [0008], where disclosed is a multimedia database and obviously database contains an identifier for each entry which could be unique identifier for each content, record, item etc.); and

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a server coupled to said database and a communication network (Fenton, Fig.1, element-130, 134, 124, 116 and 118) said server adapted to receive from a first user device of a plurality of user devices a message (Fenton, Fig.1, element-102,104,106,108 etc. can be interpret as users or devices, [0041, lines 2-4], where server receives the message from one of the users) including identification of certain content of said stored content for sending at least a portion of said stored content to a second user device of said plurality of user devices as a multi-media message (Fenton, Fig.1, element- 130, 132 and 134, [0041, lines 5-30], where message along with content is assigned an identification along with multimedia type, delivery options, time stamp etc.).

7. As to claim 43, Kageyama and Fenton disclose, the invention substantially as applied to claims 1, 10, and 32 above, including, a gateway server for use in a communication network where users may send and receive large bandwidth messages (Fenton, Fig.1, Element-126), said gateway server comprising:

at least one database for storing content (Fenton, Fig.1, Element-132, 134), said stored content being uniquely identified (Fenton, Fig.1, [0041, lines 22-31], and distribution control apparatus for receiving from at least one of said users a unique identification of certain content of said stored content (Fenton, Fig.1, Element-126, [0028], where MMS server acts as message distributor) and for sending at least a portion of said uniquely identified content to a recipient identified by said one user (Fenton, Fig.1, [0028], where message is personalized, filtered, screened, formatted, deleted base on user profile is done at MMS server).

8. As to claim 44, is rejected for the same rationale as applied to claim 43 above and further, Fenton discloses the user preferences (Kageyama, [0011], where specific attributes are exchanged to deliver the message as per device requirements).

9. As to claim 51, Kageyama and Fenton disclose the invention substantially as applied to claims 1, 10, 32 and 43-44 above, including, a method for the distribution of a MMS message (Fenton, Fig.1), said method comprising:

identifying at least a portion of multi-media content to a user (Fenton, [0066, lines 13-16], where multimedia content type is identified), said portion having a unique identification associated therewith (Fenton, [0041, lines 9-11], where multimedia content has the unique identity);

under control of said user, sending a message to a host remote from said user (Fenton, Fig.1, element, 102, 104,106,108 could be interpret as remote host), said message containing said unique identification as well as the identity of at least one proposed recipient of said MMS message (Fenton, [0041, lines 9-11], where message attribute includes recipient's address along with multimedia content identity); and

upon receipt by said host of said message from said user, delivering said MMS message including multi-media content associated with said unique identification to said at least one proposed recipient (Fenton, Fig.1, [0041, lines 22-31], where message with recipient address and multimedia identifier is delivered at said address).

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10. Claims 2-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama and Fenton as applied to parent claims above in view of Babu et al. (Patent No.: US 7,139,252 B2), hereinafter "Babu".

11. As to claim 2 and 5, Kageyama and Fenton disclose, the invention substantially as in parent claim 1, including, first user device and said second user device provide said content to said user using different media modes (Fenton, Fig.1, Abstract, where multimedia message is processed with one or more customized processing instructions means data is processed for transmitting in two different mode or format). Fenton however, is silent on, wherein said first user device and said second user device are associated with a same user, and wherein said first user device. Babu however discloses wherein said first user device and said second user device are associated with a same user, and wherein said first user device (Babu, Fig.4, elements-401, 402, 403 and 404, [0046], where multiple devices are associated with a single user e.g. pager, laptop etc.).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton with the teachings of Babu in order to provide a system that acquires and aggregates information, organized by user to determine user's locations for target advertisement or important time constraints financial transactions while on the move.

12. As to claim 3, Kageyama, Fenton and Babu discloses, the invention substantially as in parent claim 1, including, wherein said information accepted from said first user

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device is with respect to content to be delivered to a plurality of user devices (Fenton, Abstract, where message was received to be delivered to other users), said second user devices being a user device of said plurality of user devices (Fenton, [0028], where sending the message is obviously means there has to be a device or user to receive that message), wherein said media negotiation is provided with respect to systems associated with said plurality of user devices (Fenton, [0028], where MMS server is the system associated with users devices), and wherein said content configuring is for delivery to said plurality of user devices (Fenton, [0028], where message is configured before sending it to users).

13. As to claim 4, Kageyama, Fenton and Babu disclose, the invention substantially as in parent claim 3, including, wherein said content comprises advertising content referred to said plurality of user devices by a user of said first user device (Fenton, Table-2, where message class is classified as advertisement).

14. As to claim 7, Kageyama, Fenton and Babu disclose the invention substantially as in parent claim 1, including, storing and forwarding, by said media delivery system, said content for delivery to said second user device (Fenton, [0028], where multimedia stores and forwards the message to users).

15. As to claim 8, Kageyama, Fenton and Babu disclose the invention substantially as in parent claim 1, including, transcoding, by said media delivery system, said content for delivery to said second user device (Fenton, [0028], where message gets transcoded before transmitting to the user).

16. As to claim 9, Kageyama, Fenton and Babu disclose the invention substantially as in parent claim 1, including, determining, by said media delivery system (Fenton, [0028], where multimedia analyzes and modifies the message as per requirement), how to relay said content to said second user device as a function of said attributes of said second user device (Fenton, Fig.1, element-128, [0028], where message is transmitted by MMS relay which sends the message to user in compatible format).

17. Claims 11-21, 24-29, 31, 33-42, 45-50 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama, and Fenton as applied to parent claims above in view of Kontio et al. (Pub. No.: US 2004/0249768 A1), hereinafter "Kontio".

18. As to claim 33, Kageyama, Fenton discloses, the invention substantially as in parent claim 32, including, displaying content to said first user (Fenton, [0026], where user has the ability to view the message). Kageyama, Fenton however is silent on, wherein said displaying said content includes providing information identifying corresponding said stored content. Kontio however discloses, wherein said displaying said content includes providing information identifying corresponding said stored content (Kontio, Abstract, where digital voucher references a primary content that contains information that can distilled out a preview).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton as applied to claims above with the teachings of Kontio in order to provide a system to control the distribution of digital assets in communications network.

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19. As to claim 34, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 32, including, wherein said content is displayed to said first user on a device separate from said use device (Kontio, [0232], where kiosk terminal could be the separate device from user device or device in used).

20. As to claims 28 and 35, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device comprises a device selected from, a kiosk (Kontio, [0238], which has a display monitor where product is displayed and key's could be used to retrieve data or specification about product and downloading ticket is a form of transaction).

21. As to claim 36, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device provides said information identifying corresponding said stored content to said first user device electronically (Fenton, [0028], where appropriate message format could be an electronic mail).

22. As to claim 37, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device receives said abbreviated message from said first user device (Kontio, [0018], where inquiring device is user device and listening device can be said separate device and inquiry message searching could be abbreviated message).

23. As to claim 38, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 34, including, transmitting, by said first user device, said abbreviated message via a native network of said first user device (Fenton, Fig.1, [0026], where message can be send or received via one or more network and any of the displayed network could be a native network).

24. As to claim 39, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 38, including, wherein said native network comprises a cellular telephone network (Fenton, Fig.1, Element-118, 120, 122).

25. As to claim 40, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 40, including, wherein said native network comprises a WLAN (Fenton, Fig.1, Element-124, where internet/IP Network could be WLAN).

26. As to claim 41, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 32, including, wherein said abbreviated message comprises a short message service (SMS) message (Fenton, [0003], where messages could be SMS).

27. As to claim 42, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 32, including, prior to said compiling said data rich message, identifying a version of said certain content suitable for use by said second user device (Fenton, [0066, lines 32-38], where message carries the version and [0028],

where all the compilation such as, formatting, screening, deleting and modification is done).

28. As to claim 11, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 10, including, wherein said stored content comprises different versions of a same content material (Kontio, Abstract, where primary and secondary information can be interpret as two different version.

29. As to claim 12, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 10, including, wherein said different versions comprise a higher resolution version of said content material and a lower resolution of said content material (Kontio, Abstract, where preview could be a low resolution and secondary information could be a high resolution information. Further examiner takes to official notice that having a low and high resolution is well know in the art to deal with bandwidth constraints and compatibility issues).

30. As to claims 13 and 14, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 10, including, wherein said at least a portion of said stored content included in said multi-media message sent to said second user is selected to optimize transmission of said message in a network associated with said second user device (Kontio, [0234], where there are different solutions provided to control the bandwidth by encrypting the message, by issuing a certificate etc.).

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31. As to claim 15, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 11, including, wherein said at least a portion of said stored content included in said multi-media message sent to said second user is selected by said first user device (Fenton, [0028], where message is sent from the first device to MMS and after configuring or modifying the message MMS sends it to the user or second device).

32. As to claim 16, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 11, including, wherein said at least a portion of said stored content included in said multi-media message sent to said second user is selected by said server (Kontio, Abstract, where server process the secondary information for the user device).

33. As to claim 17, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 10, including, wherein unique identification of said stored content comprises content identification codes (Kontio, [0236], where CID is a unique identifier for the content).

34. As to claim 18, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 17, including, wherein said content identification codes comprise unique codes for each of a plurality of content versions (Fenton, [00966, where MMS application protocol provides the means to uniquely identify the version number and message type in each abstract message]).

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35. As to claim 19, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 17, including, wherein said content identification codes comprise unique codes for a family of related content (Fenton, [0116], where all multimedia message will be organized as MIME type and MIME type could be the family code).

36. As to claim 20, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 17, including, wherein a content identification code of said content identification codes is provided with a display of content (Fenton, [0117], where header information contains the necessary identification code), said content identification code being used in compiling said message from said first user device (Fenton, [0117], where header information is used for mapping between elements and common header fields).

37. As to claim 21, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 20, including,, wherein said content identification code is displayed unobtrusively during said display of content (Fenton, [0116], where header information is displayed unnecessarily).

38. As to claims 24 and 25, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 10 and 24, including, wherein said advertisement device provides a user device interface for data communication with said first user device (Kontio, Fig.3A, [0386], where voucher device provides a user device the ability to download, store or distribute the voucher).

39. As to claim 26, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 25, including, wherein said data communication provides communication of content identification information to said first user device by said advertisement device (Kontio, [0100], where new unique identifier is received by user from the voucher which gives the user access to the related content).

40. As to claim 27, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 25, including, wherein said data communication provides communication of said message from said first user device to said advertisement device (Kontio, [0386], where user device initiates the message to voucher device).

41. As to claim 29, Kageyama, Fenton discloses the invention substantially as in parent claim 24, including, wherein said advertisement device is disposed in a WLAN service area (Fenton, Fig.6, Element-616).

42. As to claim 31, Kageyama, Fenton and Kontio discloses the invention substantially as in parent claim 100, wherein said multi-media message comprises a message delivered using a multi-media message service (MMS) protocol (Fenton, [0066], where MMS protocol is used for delivering multimedia content).

43. As to claim 45, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said stored content is not stored under control of said user (Fenton, Fig.1, Element-134, Abstract, where database is storage content and is a centralized database).

44. As to claim 46, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 43, including, transmission apparatus for sending portions of said stored content (Fenton, Fig.1, [0028], where MMS is used for sending and receiving messages with unique message identifiers and can format, filter and screen messages), along with corresponding said unique identity of said content, over a communication network in a non-user specific broadcast mode (Fenton, Fig.1, [0029], where MMS Relay 128 uses the appropriate protocol e.g. "SMTP" to transfer the messages).

45. As to claim 47, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said gateway server includes said transmission apparatus (Fenton, Fig.1, Element-128 can be interpret as transmission apparatus since it uses SMTP protocol which is used for data transmission).

46. As to claim 48, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said database is arranged to include at least one message specific to one of said users (Fenton, [0027], where database 134 is customer or subscriber directory and contains a customized processing instructions specific to the user).

47. As to claim 49, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said message specific to one of said users is also available to selected others of said users (Fenton, [0027], since

database 134 is communicatively coupled to the other databases and MMS server therefore, it is available to other users also).

48. As to claim 50, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said user is charged for the use of said database according to certain parameters (Fenton, [0045], where customer is charged for submitting or retrieving multimedia messages).

49. As to claim 52, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 51, including, wherein said host comprises a gateway server having communication access to both a cellular network and a fixed network (Fenton, Fig.1, Element-126 (Gateway server), 116 (Fixed network), 118 (Mobile/Cell network)).

50. As to claim 53, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 51, including, wherein said delivering comprises: ascertaining from said proposed recipient delivery parameters for said MMS message (Fenton, [0041, lines 22-31]).

51. As to claim 54, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 53, including, wherein said parameters are one or more selected from the list of: time, format of the MMS message, delivery address for the message, blocking the message in whole or in part, subject matter of the MMS message, sending user identification (Fenton, [0041], where time stamp is time, MIME

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content type could be format, recipient address is delivery address, originator address is sending user identification, subject could be subject mater of the MMS message and blocking originator address could be blocking the partial message).

52. As to claim 55, Kageyama, Fenton and Kontio disclose, the invention substantially as in parent claim 51, including, allowing said user to interact with said application program without downloading the application to said user (Fenton, [0003]; where SMS is supported by various network without downloading any application).

53. Claims 6, 22-23, 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama, Fenton and Kontio as applied to parent claim 24 above in view of Lewis (Pub. No.: US 2005/0256937 A1), hereinafter "Lewis".

54. As to claim 30, Kageyama, Fenton and Kontio disclose the invention substantially as in parent claim 24. Kageyama, Fenton and Kontio however are silent on, wherein said advertisement device is disposed in a form of public transportation. Lewis however, discloses, wherein said advertisement device is disposed in a form of transportation (Lewis, [0019], where product support for sales force is implemented on mobile transport and further it will be obvious modification to advertise the product information on any other sort of transportation).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton and Kontio with the teachings of Lewis in order to provide mobile product support to customer on site.

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55. As to claim 22 and 23, Kageyama, Fenton Kontino and Lewis disclose the invention substantially as in parent claim 10, including, wherein said first user device comprises, a cellular telephone; a personal digital assistant; and a computer system (Lewis, Claim 53, where third party diagnostic tools containing wireless phone, PDA and a personal computer).

56. As to claim 6, Kageyama, Fenton, Kontio and Lewis discloses the invention substantially as in parent claim 1, including, wherein said first user device comprises one of a wireless device and a wireline device (Lewis, Fig.2, element-250, Claim 53, where PC is a wireline device and wireless phone is a wireless device) and said second user device comprises the other one of said wireless device and said wireline device (Lewis, Fig.2, element-250, Claim 53, where PC is a wireline device and wireless phone is a wireless device).

Examiner's Note: Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

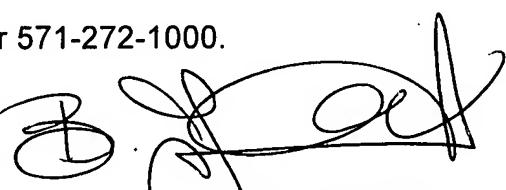
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

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